

UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF OKLAHOMA

FILED

JUN 16 1994

GRANT PRICE  
CLERK, U.S. BANKRUPTCY COURT  
WESTERN DISTRICT OF OKLAHOMA  
*Grant Price*

GENERAL ORDER  
CONCERNING PROCEDURES IN CHAPTER 12

1. **SCOPE OF RULES.** The rules contained in this Order apply only to cases under Chapter 12 of the Bankruptcy Code.
2. **MOTIONS PURSUANT TO BANKRUPTCY CODE SECTION 506.**
  - A. **Time for Filing.** Any motions to value secured claims pursuant to § 506 of the Bankruptcy Code must be filed not later than twenty (20) days following conclusion of the meeting of creditors pursuant to Bankruptcy Code § 341(a).
  - B. **Hearing Dates and Notice.** The Court will set one date for hearing all motions made pursuant to Section 506. The Chapter 12 Standing Trustee will notify all parties in interest of the date, time and place of the valuation hearing.
  - C. **Movant's Evidence for Valuation Hearing.** Concurrently with filing a motion for valuation, the movant shall serve on the Chapter 12 Standing Trustee and the person whose interest it affects a list containing the name, current address and telephone number of witnesses to be called by the movant and copies of all exhibits intended to be used at the valuation hearing.
  - D. **Objection to Motion.** Any party in interest may object to a motion for valuation pursuant to § 506 within ten (10) days after the motion is served on such party. Such objection must be served on the movant and the Chapter 12 Standing Trustee as well as any other party in interest against whom relief is sought.

- E. Objecting Party's Evidence for Valuation Hearing. Concurrently with the filing of a response the objecting party shall serve on the movant, the Chapter 12 Trustee and any other party in interest against whom relief is sought, a list containing the name, current address and telephone number of witnesses to be called by the debtor and copies of all exhibits intended to be used at the hearing.
- F. Supplementing Evidence for Valuation Hearing. Every person who desires to be heard at the valuation hearing must promptly supplement any response as required by Rule 26(e), Fed.R.Civ.P. Any party in interest may supplement or change the evidentiary information to be provided in accordance with this Order at any time more than five (5) days prior to the valuation hearing.
- G. Exclusion of Evidence from Valuation Hearing. Except for good cause shown, no witness will be permitted to testify and no evidence will be admitted at the valuation hearing which has not been timely provided to persons entitled thereto by the terms of this Order.
- H. Appointment of Court Appraiser. The Court may appoint an appraiser in every case where the value of a secured claim is an issue. The appointment will be made pursuant to Rule 706, Fed.R.Ev. and the costs of the appraisal shall be paid as directed by the Court.

3. ***HEARINGS ON CONFIRMATION OF CHAPTER 12 PLANS.***

- A. Hearing After the Time Provided by Section 1224. Due to the substantial number of Chapter 12 cases filed in this District and the number of hearings required, the Court finds that cause may exist for scheduling hearings on confirmation of

Chapter 12 plans beyond the statutory deadline imposed by 11 U.S.C. § 1224.

- B. Notice of Filing Chapter 12 Plan. The debtor shall notice a filing of a Chapter 12 Plan or any modification or amendment thereto at the time it is filed by serving a copy of it on all parties in interest and the appropriate courtroom deputy clerk.
- C. Hearing Dates and Notice. The Court will set a date for the confirmation hearing. The Chapter 12 Standing Trustee will notify all parties in interest of the date, time and place of such hearing.
- D. Debtor's Evidence for Confirmation Hearing. Concurrently with the filing of a Chapter 12 Plan the debtor shall serve on the Chapter 12 Trustee a list containing the name, current address and telephone number of witnesses to be called by the debtor and copies of all exhibits debtor intends to use at the confirmation hearing. Within five (5) days after receipt of the request of any party in interest or of an objection to confirmation of the plan or any modification thereof, the debtor will provide this evidentiary material to such party.
- E. Objections to Confirmation of Plan. Any party in interest may object to the proposed plan within fifteen (15) days after it is served. Such objection must be served on the debtor, the Chapter 12 Standing Trustee and all other parties in interest.
- F. Objecting Party's Evidence for Confirmation. Concurrently with the filing of an objection to confirmation or a motion to be heard at the confirmation hearing, the objecting or moving party will serve on the debtor and the Chapter 12 Trustee a

list containing the name, current address and telephone number of witnesses to be called by such party and a copy of all exhibits which such party intends to use at the confirmation hearing.

G. Supplementing Evidence for Confirmation Hearing. Every person who desires to be heard at the confirmation hearing must promptly supplement any response as required by Rule 26(e), Fed.R.Civ.P. Any party in interest may supplement or change the evidentiary information to be provided in accordance with this order at any time more than five (5) days prior to the confirmation hearing.

H. Exclusion of Evidence from Confirmation Hearing. Except for good cause shown, no witness will be permitted to testify and no evidence will be admitted at the confirmation hearing which has not been timely provided to persons entitled thereto by the terms of this Order.

I. Hearings on Other Motions. Except with respect to motions pursuant to Bankruptcy Code § 1205 and § 506, all motions will be heard at the confirmation hearing, unless otherwise specifically ordered by the Court for good cause shown.

4. ***PLAN CONFIRMATION REQUIREMENTS.*** The plan will be confirmed only if it provides a basis for determining whether the requirements of Bankruptcy Code § 1225(a) and (b) have been met. The requirements of Bankruptcy Code § 1225(a)(4), (a)(5)(B) and (a)(6) may not be deemed satisfied if the plan does not contain at least the following information:

A. A statement of assets and liabilities.

B. A cash flow projection for the year immediately following confirmation of the

proposed plan, including statements identifying farm and non-farm income sources.

- C. Assumptions upon which the cash flow projection is based, with historical or other data justifying the assumptions.
  - D. A statement of non-farm income for the taxable year preceding the filing of the petition.
  - E. A projection of expenses of administration, including attorney and trustee fees.
  - F. Schedules showing dates and amounts of payments to be made by the debtor, whether or not covered in the plan.
  - G. The probable tax consequences of any sale of assets.
  - H. A statement itemizing any secured property proposed to be retained, value of the property, the basis of valuation and the amount of the debt which it secures.
  - I. A liquidation analysis stating the assumptions on which it is based and describing the properties.
5. ***PROCEDURES ON MOTIONS FOR RELIEF FROM AUTOMATIC STAY.*** Since in Chapter 12 cases the automatic stay will be in effect for a limited period between the date of the petition and the confirmation hearing, the following procedure is adopted regarding relief therefrom:
- A. **Farmland.** Any party filing a motion involving farmland must state in an accompanying affidavit, that after good faith efforts the parties do not have an agreement for reasonable rent as provided in Bankruptcy Code § 1205(b)(3). If the debtor has offered to pay rent for use of farmland pending the hearing on

confirmation the affidavit shall state why the agreement does not meet the requirements of § 1205(b)(3) and a statement that after diligent efforts the parties are unable to agree or compromise with respect thereto.

.Any party opposing the motion may supplement the response with an appropriate counter affidavit.

At the hearing on the motion for relief from automatic stay the issues are limited to the scope of the affidavits and counter affidavits and all other issues will be heard at the time the plan comes on for confirmation.

- B. Personal Property. Any motion for relief from the stay concerning personal property must be accompanied by an affidavit specifying in detail the contacts made by the creditor with debtor and debtor's counsel, concerning adequate protection, the offer, if any, of debtor and the reason why such offer was rejected.
- C. Service of Motion and Affidavits. A copy of the motion and affidavit must be served upon debtor, debtor's counsel and upon the Standing Chapter 12 Trustee, with proof of service. Debtor must file the response with appropriate affidavits as provided by Local Bankruptcy Rule 13. If a request for relief is opposed the party opposing the relief must promptly notify the appropriate courtroom deputy clerk for the need of a hearing as provided by Local Bankruptcy Rule 13(d). Any response and supplemental affidavit must be served upon the Standing Chapter 12 Trustee.

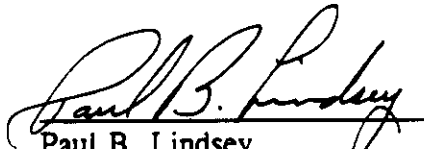
.A hearing on the motion for relief from the automatic stay or for adequate

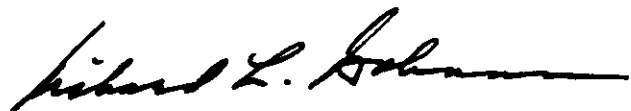
protection may be expedited and heard only upon affidavits and argument of counsel. Relief may not be granted if movant has not, in good faith, attempted to resolve the matter prior to hearing.


6. **DISCHARGES IN CHAPTER 12 CASES.** Discharges in Chapter 12 cases will be granted only on motion and after notice to the Chapter 12 Standing Trustee and all other parties in interest. Any motion seeking the discharge of a Chapter 12 debtor shall be accompanied by the certificate of the Chapter 12 Standing Trustee that all payments provided for in the Chapter 12 plan confirmed in the case have been made and the Trustee's fees thereon have been paid or by an affidavit of the debtors that the Trustee refused to issue such certificate and the reason therefor.

Dated at Oklahoma City, Oklahoma this June 15, 1994

By the Court.

  
Paul B. Lindsey  
Chief Bankruptcy Judge

  
Richard L. Bohanon  
Bankruptcy Judge

  
John TeSelle  
Bankruptcy Judge